

DATE ISSUED: April 6, 2005

REPORT NO. 05-084

ATTENTION: Honorable Mayor & City Council

SUBJECT: Trench Restoration

#### SUMMARY

THIS IS AN INFORMATION ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE CITY COUNCIL.

#### BACKGROUND

On September 22, 2003, the City Council adopted an ordinance that required all entities that trench in City streets to either 1) repave over the trench to the extent of an "Excavation Influence Area" as prescribed in the Code, 2) pay a trench cut fee as outlined in the Municipal Code, or 3) provide the City with a warranty that assures the future integrity of the street. The Code also placed a moratorium on trenching City streets such that someone could not trench a newly asphalt surfaced street within three years or within one year of a street being slurry sealed without an exception being granted by the City Engineer for reasons prescribed in the ordinance. If such an exception is granted, the entity performing the trench work has no choice but to resurface the street to the extent of the Excavation Influence Area.

#### DISCUSSION

Since the time of the adoption of the Trench Cut Ordinance City departments, private utilities, and other private parties (i.e., those that obtain individual permits to cut a trench in the street) have been implementing the ordinance. As each are different circumstances, they are outlined separately below.

In the City's Capital Improvement Program (CIP), projects such as water and sewer main replacement projects (a.k.a. Group Jobs) have long been required to repave the street curb-to-curb which does restore the integrity of the street and complies with the ordinance. This work is most often done upon completion of the project, though often staff will resurface a project when it is partially complete so that a neighborhood does not have to wait too long to realize the new street. The costs for this work are absorbed by the project (i.e., Water and/or Sewer Fund).

In respect to City department maintenance activities, the Water Department, which has the largest amount of trench cuts in a given year (approximately 1,900 per year), has been restoring them though often in a temporary fashion to be made permanent as staffing permits. A decision was made recently that, due to the volume of this work, it would be prudent to recommend that the department contract this work out to a private contractor. This contract will restore all of the trenches not restored permanently and will allow us to keep up and be able to restore them very quickly after the pipe repair work is completed.

The other department that has numerous trench-cuts is the Metropolitan Wastewater Department (MWWD), who average approximately 850 annually. For approximately three years MWWD has utilized outside contractors for this work, similar to the strategy the Water Department is pursuing, and are fully in compliance with the new ordinance.

In respect to private entities, following the adoption of the ordinance, the Development Services Department (DSD) sent a Notice to the Industry on behalf of the City Engineer on December 2, 2003. This Notice highlighted the primary elements of the ordinance and informed the industry about the City's new regulation. As identified in the ordinance, the moratoria were implemented on all new streets or recently re-surfaced streets. An excavation fee in accordance with the published schedule, as defined by the ordinance, was imposed. Numerous permittees have selected the option of paying this fee and over \$175,000 has been paid into the fund which has been utilized to perform maintenance activities such as pothole repair. While a resurface agreement and excavation warranty is offered as an alternative to the trench excavation fee, to date, no warranty agreement has been executed by a permittee.

Respectfully submitted,

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Frank Belock, Jr.  
Water Department Director

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Approved: Richard Mendes  
Deputy City Manager